

TERMS.

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BY AUTHORITY.

TREATY.

By the President of the United States.
A PROCLAMATION.

Whereas a treaty of commerce and navigation between the United States of America, and Her Most Faithful Majesty, the Queen of Portugal, and of the Algarves, was concluded and signed by their Plenipotentiaries, at Lisbon, on the twenty-sixth day of August, in the year of our Lord, one thousand eight hundred and forty, which treaty being in the English and Portuguese languages is, word for word, as follows:

In the name of the Most Holy and Undivided Trinity.

The United States of America, and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states; of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity based upon principles of equity equally beneficial to both countries; have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation; and they have appointed as their plenipotentiaries for that purpose, to wit: the President of the United States of America, Edward Kavanagh, their charge d'affaires at the court of Her Most Faithful Majesty; and Her Most Faithful Majesty, the most illustrious and most excellent John Baptist de Almeida Garrett, first historiographer to her said Majesty, of her Council, member of the Cortes, knight of the ancient and most noble order of the tower and sword, knight commander of the order of Christ, officer of the order of Leopold in Belgium, judge of the superior court of commerce, envoy extraordinary and minister plenipotentiary to Her Catholic Majesty; who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon, and concluded, the following articles:

ARTICLE I.

There shall be, between the territories of high contracting parties, a reciprocal liberty of commerce and navigation. The citizens and subjects of their respective States shall, mutually, have liberty to enter the ports, places and rivers of the territories of each party, wherever foreign commerce is, or shall be, permitted. They shall be at liberty to sojourn and reside in all parts of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

ARTICLE II.

Vessels of the United States of America arriving, either laden or in ballast, in the ports of the kingdom and possessions of Portugal; and, reciprocally, Portuguese vessels arriving, either laden or in ballast, in the ports of the United States of America, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, light-house duties, pilotage, port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any public, or private establishment, whatsoever.

ARTICLE III.

No higher or other duties shall be imposed on the importation, into the kingdom and possessions of Portugal, of any article, the growth, produce or manufacture of the United States of America; and no higher or other duties shall be imposed on the importation, into the United States of America, of any article, the growth, produce or manufacture of Portugal, or of the said

BOON'S LICK TIMES.

"ERROR CEASES TO BE DANGEROUS, WHEN REASON IS LEFT FREE TO COMBAT IT"—JEFFERSON.

Vol. 2.

FAYETTE, MISSOURI, SATURDAY, NOVEMBER 13, 1841.

No. 35.

States, which shall not equally extend to all other foreign nations.

Nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States of America, or to the kingdom of Portugal, respectively, than such as are payable on the exportation of the like articles to any other foreign country.

Provided, however, that nothing contained in this article shall be understood, or intended, to interfere with the stipulation entered into by the United States of America, for a special equivalent, in regard to French wines, in the convention made by the said States and France, on the 4th day of July, in the year of our Lord one thousand eight hundred and thirty-one; which stipulation will expire, and cease to have effect, in the month of February, in the year of our Lord one thousand eight hundred and forty-two.

ARTICLE IV.

The same duties shall be paid, and the same bounties, deductions or privileges allowed, on the importation, into the kingdom and possessions of Portugal, of any article, the growth, produce or manufacture of the United States of America, whether such importation shall be in vessels of the said States, or in Portuguese vessels; and, reciprocally, the same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation, into the United States of America, of any article, the growth, produce or manufacture of the kingdom and possessions of Portugal, whether such importation shall be in Portuguese vessels, or in vessels of the said States.

ARTICLE V.

It is agreed by the high contracting parties, that, whenever there may be lawfully imported into all or any of the ports of the kingdom and possessions of Portugal, in vessels of any foreign country, articles of the growth, produce, or manufacture of a country other than that to which the importing vessels shall belong, the same privileges shall immediately become common to vessels of the United States of America, with all the same rights and favors as may, in that respect, be granted to the most favored nation. And, reciprocally, in consideration thereof, Portuguese vessels shall, thereafter, enjoy, in the same respect, privileges, rights and favors, to a correspondent extent in the ports of the United States of America.

ARTICLE VI.

All kinds of merchandise and articles of commerce, which may be lawfully exported or re-exported from the ports of either of the high contracting parties to any foreign country, in national vessels, may, also be exported or re-exported therefrom in vessels of the other party, respectively, without paying other or higher duties or charges, of whatever kind or denomination, than if the same merchandise or articles of commerce were exported or re-exported in national vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

ARTICLE VII.

It is expressly understood that nothing contained in this treaty shall be applicable to the coastwise navigation of either of the two countries, which each of the two high contracting parties reserves exclusively to itself.

ARTICLE VIII.

It is mutually understood that the foregoing stipulations do not apply to ports and territories, in the kingdom and possessions of Portugal, where foreign commerce and navigation are not admitted; and that the commerce and navigation of Portugal, directly to and from the United States of America and the said ports and territories, are, also, prohibited.

But Her Most Faithful Majesty agrees that, as soon as the said ports and territories, or any of them, shall be opened to the commerce or navigation of any foreign nation, they shall, from that moment, be also opened to the commerce and navigation of the United States of America, with the same privileges, rights and favors as may be allowed to the most favored nation, gratuitously, if the concession was gratuitously made, or on allowing the same compensation, or an equivalent, if the concession was conditional.

ARTICLE IX.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in any of the rivers, bays, ports, or territories of the other, with their vessels, whether merchant, or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor, facility and protection for repairing their ships, procuring provisions and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

ARTICLE X.

The two contracting parties shall have the liberty of having, each in the ports of the other, consuls, vice-consuls, agents, and commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation. But, before any consul, vice-consul, agent, or commissary shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

But, if any such consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private

individuals of their nation are submitted, in the same place, in respect of their commercial transactions.

And, it is hereby declared that, in case of offence against the laws, such consul, vice-consul, agent or commissary may either be punished according to law, or be sent back, the offended Government assigning, to the other, reasons for the same.

The archives and papers of the consulates shall be respected inviolably; and, under no pretext whatever shall any magistrate seize, or in any way interfere with them.

The consuls, vice-consuls, and commercial agents, shall have the right, as such, to sit as judges and arbitrators, in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captains, should disturb the order or the tranquility, or offend the laws of the country; or the said consuls, vice-consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect, or supported.

It is, however, understood that this species of judgment, or arbitration, shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authorities of their country.

ARTICLE XI.

The said consuls, vice-consuls and commercial agents are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country.

For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and, this reclamation being thus substantiated, the surrender shall be made, without delay.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country, by a vessel of the same nation, or any other vessel whatsoever. But, if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, the surrender may be delayed until the tribunal, before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XII.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases.

And where, on the death of any person holding real estate, within the territories of one of the high contracting parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who, by reason of alienage, may be incapable of holding it, he shall be allowed the time fixed by the laws of the country; and, in case the laws of the country actually in force may not have fixed any such time, he then shall be allowed a reasonable time to sell, or otherwise dispose of, such real estate, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments any other dues than those to which the inhabitants of the country, wherein said real estate is situated shall be subject to pay in like cases.

ARTICLE XIII.

If either party shall hereafter, grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, or an equivalent, *quam proxime*, where the grant is conditional.

ARTICLE XIV.

The United States of America and Her Most Faithful Majesty, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties, by virtue of this treaty or general convention of reciprocal liberty of commerce and navigation, have declared solemnly, and do agree to the following points:

1st. The present treaty shall be in force for six years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other, of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said term of six years; and it is hereby agreed be-

tween them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and terminate.

2d. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present treaty shall be violated or infringed, in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th. The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by Her Most Faithful Majesty, with the previous consent of the General Cortes of the nation, and the ratifications shall be exchanged, in the city of Washington, within eight months from the date hereof, or sooner, if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms. Done in triplicate, in the city of Lisbon, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and forty.

EDWARD KAVANAGH. [L. S.]
JOAO BAPTISTA DE ALMEIDA GARRETT. [L. S.]

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at the city of Washington on the twenty-third day of April one thousand eight hundred and forty-one, by DANIEL WEBSTER, Secretary of State of the U. States, and the Commander JOAQUIN CESAR DE FERNANDES E MORAES, of Her Most Faithful Majesty's Council, Knight Commander of the Order of Christ, and Minister Resident of her said Majesty, near the Government of the United States, on the part of their respective Governments.

Now, therefore, be it known, that I, JOHN TYLER, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the city of Washington this [L. S.] twenty-fourth day of April in the year of our Lord, one thousand eight hundred and forty-one, and of the Independence of the United States the sixty-fifth.

JOHN TYLER.

By the President:
DANIEL WEBSTER, Secretary of State.From the Gen for 1842.
JUSTINE.

A FRENCH TALE.

It was on a pedestrian tour through the southern provinces of France, that I was one evening surprised by the approach of darkness, while yet uncertain as to the distance of the village where I proposed to sleep, or, indeed, whether I might not have strayed from the path I had been directed to pursue. Not the beautiful tints that yet lingered in the golden west, nor the delicious fragrance that breathed around me, could wholly dispel that vague feeling of uneasiness which pervades the mind on being overtaken by night in a strange lonely spot. It was a relief, therefore to hear at no great distance behind, a French air and whistled in tones that seemed to spring from a light and peevish heart; and I gladly awaited the approach of the traveller—a fine martial looking youth in soldier's habiliments, with a knapsack strapped at his back—who doffed his cap on perceiving me, saluting me at the same time with the frank and free air of his nation. In reply to my inquiries, he informed me, that he was bound to the village of which I was in quest; but had it been otherwise, continued he, I should have felt it as much a duty as a pleasure to have guided a gentleman and a stranger.

"Yet I had been loath," I replied, "to trespass on the time of one who is probably returning home after a long absence." "Nearly three years," said he; "but my campaigns are now ended, and it is my present hope to find happiness in the bosom of my native village."

"Meaning of course that which we are now approaching?"

"No," he answered, "not exactly—my home lies a league to the right. Monsieur would probably remember a path that turned aside through a thick grove of limes."

"I recollect it well," I replied; "for I was near going astray at that very point, the road looked so inviting; but how is it you have passed your proper way? if on my account a simple direction?"

"No he returned, laughing and hesitating a little—home was dear, and parents were dear, but yet I have a strange desire to see—"

"One dearer yet!—you are an enviable fellow," I exclaimed, "whom so much happiness awaits, while I may be well content to gain the shelter of an auberge so early perhaps."

"Sorry! no, no,—I would challenge all France to produce so delightful an auberge as that to which I am conducting you—the old woman is the best and kindest of creatures, and for Justine—he paused and wiped his brow."

"Well, for Justine?" said I.

"She is just the loveliest and dearest girl that ever beamed goodness from a bright eye! In short, Monsieur, for why should I hide a feeling of which I am proud, Justine is that one person whom I long to see."

"A betrothed mistress, I suppose?"

"No, she was too young when I joined the army—scarcely fifteen!—and I—what had I to offer but an honest heart; and though I loved her better than life, as I might never have returned, you know, it had been ungenerous to betray her into a promise that she would have repented, perhaps after I was gone!"

"Very just and honorable," I observed.

"Hark, Monsieur!" he exclaimed, "they are dancing—some gala-day—a wedding, perhaps!" He paused and attempted to laugh, but did not succeed. "Hush! it is all over now—all over! What am I saying? it may indeed be over!"

"Let us at least proceed," said I, seeing him stand mute and motionless.

"Monsieur is right—it were well to know the worst at once. Oh, that we had been half an hour sooner!"

A few minutes now brought us to the hamlet, beautifully and pastorally situated by the side of a rapid stream, whose murmuring harmonized sweetly with the stillness and serenity of the hour. A few minutes more, and we were at the door of the auberge.

"Excuse me, Monsieur," said Henri, pressing on my arm with a hand that trembled with emotion—who knows what may have happened! I have a strange fancy to look in at the window. Ha! there sits Justine herself—her dark hair braided with flowers—she cannot—he paused for breath—"she cannot be a bride; yet that wreath looks like a bridal coronal! No, no—it is not so—she weeps—oh! that I might kiss away those tears! and besides there is no man in the cottage, after all; only the good old woman lingering over her. Monsieur had better proceed."

We entered the cottage, where our arrival seemed to work an immediate change. If Justine had been weeping, her tears were dried, Henri was welcomed with enthusiasm as an old and valued friend; and both mother and daughter were instantly active and solicitous in the service of a stranger and a traveller. Justine, in particular, in spite of her holiday array, bestowed herself to spread forth a supper, from which, however, she fled with precipitation on the hinted fears of Henri as to her marriage; and I even thought I perceived a convulsive shudder run through her frame.

"Do not say that again," cried the old woman, passing his hand, "it cuts up poor Justine to the heart!"

"Play on my tongue!" exclaimed Henri. "I would not wound her feelings for the world!"

"I know it my dear boy, and therefore I will tell you all; and why should I mind. Monsieur—we who are innocent of wrong have nothing to conceal; the truth then is, that Arnaud—you remember Arnaud, Henri?"

"Ay, ay," returned the soldier impatiently. "for no good, though?"

"Well, it was about last fall that he began to notice Justine, and from that he grew more particular, till last fall—"

"Mother, say not that Justine loves him, for he—he never loved any but himself, and although he was wealthy—"

"Alack! wealth he has not, for his vineyards were all blighted," said the old woman; "but Justine looked not for wealth."

"And if he looked for wealth, she found it not," cried Henri, indignantly.

"It is but too true," replied the dame, "Justine read not in his beaming eyes a mean and selfish heart! She listened and believed—and—this should have been her wedding day—hush, hush, Henri, let her not hear you!—Justine, my love, you will find the freshest grapes at the end of the garden. But men's vows," continued the old woman, are like the wind; and Arnaud was wedded this morning to a richer girl—yet, oh, for wealth, there is none like my poor child."

"The villain!" exclaimed Henri involuntarily, assuming a menacing gesture.

"Alas," cried the mother, on whom this action was not lost—"The one who sees all, punishes and rewards; and oh, that he had looked on my darling this day, never complaining even by a look, but with her own sweet hands decking the hair of the bride, ay, and this very evening dancing on the green when her heart was like to break?"

But oh, when it was all ended, and they were gone to their home—that cottage, Monsieur, by the stream—you may see it now by the light of the moon, with the alders trembling round it—then, her heart sunk! But the sight of an old friend, turning to Henri, and even the pleasure of preparing our humble supper for a stranger, may do much, and Heaven will give the rest."

The old woman's tears fell fast as she spoke; but Henri, overpowered by the suddenness and variety of his emotions, was scarcely sad, though silent. At length Justine returned, so pale, yet serene, that but for what I had heard, I should have imputed her sweet gravity to a natural sedateness alone. But for Henri the board was spread in vain. He started up.

"You will not leave us to-night!" said the widow.

"I have not yet seen my parents! Farewell, mother—farewell, dear Justine!"

She turned not away from his offered salute; she even pressed his hand; but it was a sisterly pressure only, in which warmer feeling had no place. I saw by his countenance that he was aware of this, and that it added wings to the speed with which he left the cottage.

My repast ended, I retired to a small but exquisitely neat chamber on the ground floor of the cottage, the window of which looked towards the river. But sleep, like a false friend, fled at my greatest need! My mind, excited by the unmerited misfortune of one whom I had but seen to admire, held me as though spell-bound to the lattice, the view from whence of the beautiful valley sleeping in the pale moonlight, was far more attractive than a slumberous couch! In this contemplative mood, time stole away unnoticed, when I was startled by hearing the door of the auberge gently opened, and some one issue forth. I looked anxiously from the casement: it was Justine herself gliding like a spirit towards that stream on which I had been gazing. Good Heaven! what could be her purpose? Was it possible that the story of her undeserving abandonment had wrought in her fevered brain a vision of self-destruction? The thought was horrible! without a moment's hesitation I sprang through the window, and holding my course in shadow, tracked her steps towards the cottage of Arnaud.

It stood on the very margin of the river. The situation, the hour, her look of deep abstraction, as meditating penance, on the fatal plunge—all appeared to strengthen my fearful conjecture; and I advanced unperceived so near as to stretch forth my arm, in the intensity of my feelings, to arrest her seeming purpose. But how had my suspicions wronged this noble minded, this incomparable girl! At the moment, when my heart fluttered at every motion, I beheld her sink upon her knees, and, clasping her white hands in an attitude of supplication, lift her sweet eyes to Heaven, as if to invoke a blessing on that union which had marred her fairest hopes. I saw her lips move, and though the accents reached me not, the intelligence, the expression of that angel countenance could not be mistaken. It was a study for a painter, if indeed the art of man could depict the traits of Heaven.

I was lost in admiration, in wonder, when a loud shriek from the auberge dispersed the lovely vision. With the swiftness of a lightning, Justine fled back to the house, while I, more cautious in my speed, regained my apartment by the window, unperceived. It was the poor widow, who, awaking and missing her daughter, had raised that wild cry of dread, almost of despair. A few words from Justine seemed to tranquilize the feelings of the agonized mother. They mingled their tears awhile, and then I will hope, slept; if not, their grief at least was silent.

I rose early in the morning, but Justine had been long up, and, busied in her domestic affairs, serene and tranquil as though not a breeze had ruffled the calm current of her peaceful mind. To have attempted counsel or consolation would have been to insult the feelings of one whose own heart was her best and surest monitor. After partaking, therefore, of a breakfast, the grapes for which I found had cost Justine a long ramble, I departed on my way, well content to leave her to the guidance of her own purity and the protecting love of one of the most affectionate of parents.

Circumstances led me at the close of autumn to retrace part of my former route; and an unabated interest in the fortunes of Justine attracted my steps once more to the little auberge, which through every after-scene had still been present to my memory. I was received with the grateful smiles that seldom fail, among these simple minded people, to repay any attachment on the part of a stranger. Justine was still pale, but the recovered cheerfulness and animation of the old woman, seemed to indicate reviving hope and expectation. Had I doubted this, it had soon been confirmed.

It was evening when I arrived, and I was yet conversing with Justine, when my old friend Henri entered the cottage. His fine manly features were bright with health and good humor and whether it was that Justine was gratified by his delighted recognition of the traveller whom he had guided, a smile also stole over her beautiful countenance. But it was something more. The worth of the young soldier was slowly but surely effacing the impression of a misplaced attachment.

"Poor Arnaud!" exclaimed Henri.

"What of him?" cried the old woman.

"Oh, nothing new, save that his grapes are sour, and his shrow of a wife, sorer still. He is the voracious slave that lives!"

"He ever was," said the dame, "a slave to his own greedy desire of gain; for that he has sold what nothing can replace—the peace of his own heart! Oh, my son, learn from this to be content with—"

"Justine and love!" exclaimed the youth; "but that were impossible! Content is too cold a word for such surpassing bliss!"

Justine blushed, and looked as if she would have frown'd, but knew not how! and a stray glance of her eye seemed to augur well not only for the happiness of my friend Henri, but I will hope also, for the peace of her own pure heart.

I was not deceived; they were soon after united; the vices of Arnaud becoming thus the unconscious means of rewarding the virtues of Henri and Justine.

Themistocles, the great Athenian general, being asked whether he would choose to marry his daughter to an indigent man of merit, or to a worthless man of great estate, replied, that he should prefer a man without an estate, to an estate without a man.